

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

VICTOR STANLEY, INC.	)	
	)	
Plaintiff,	)	Civil Action No. MJG 06-2662 (PWG)
	)	
v.	)	
	)	
CREATIVE PIPE, INC., et al,	)	
	)	
Defendants.	)	

**MOTION FOR FINDING AND ORDER OF CONTEMPT OF COURT AS TO  
MARK PAPPAS AND CREATIVE PIPE, INC.**

Judgment-Creditor/Plaintiff Victor Stanley, Inc. (“VSI”) hereby moves, pursuant to Fed. R. Civ. P. 37(b)(2)(A) for a finding that Mark Pappas (“Pappas”) and Creative Pipe, Inc. (“CPI”) failed to comply with Judge Grimm’s Order of February 8, 2012 (ECF No. 538) and that their failure to comply with that Order should be treated as contempt of court. In light of this, the Court should find these defendants in contempt, award VSI its attorney fees and costs, and to order further relief under Fed. R. Civ. P. 37(b)(2)(A) to compel compliance and to preclude these parties from benefitting from their willful non-compliance with the Court’s Order.

The grounds for this Motion are as follows:

1. On November 18, 2011, in accordance with Fed. R. Civ. P. 69, VSI served, by hand-delivery on James Rothschild, counsel for Mark Pappas and Creative Pipe, Inc., Interrogatories and Request for Production of Documents relating to the assets and finances of each of those parties. [Copies of those discovery requests are attached to ECF No. 515.]



2. Both Mark Pappas and Creative Pipe, Inc. failed to respond in any fashion to those discovery requests.

3. On December 21, 2011, VSI moved to compel Pappas and CPI to comply with those discovery requests and to compel Mark Pappas to appear for a deposition in this judicial district. ECF No. 515. Defendants filed an Opposition to that motion. ECF. No. 528. VSI filed a Reply. ECF No. 529.

4. On February 8, 2012, Judge Grimm overruled all objections to the requested discovery and ordered that Pappas and CPI answer the interrogatories and produce the requested documents by February 22, 2012. ECF No. 538. Judge Grimm further ordered Mark Pappas to appear for a deposition in this judicial district. *Id.*

5. Neither Pappas nor CPI produced any documents or answered any interrogatories in response to Judge Grimm's Order of February 8, 2012. That non-compliance is undisputed. ECF No. 543. *See also* Declaration of Randell C. Ogg. Attachment A.

6. The Court-ordered deposition of Mark Pappas was duly noted for February 22, 2012 in Rockville, Maryland. Attachment B. Mr. Pappas did not appear for the Court-ordered deposition. Attachment C.

7. Following that non-compliance, Judge Grimm agreed that VSI could move for sanctions as to this matter at a later date "pending further developments". ECF No. 544.

8. Neither Mr. Pappas nor CPI have any lawful grounds for their failures to comply with Judge Grimm's Order of February 8, 2012 and they have proffered no excuses for that non-compliance. Their failures to comply were willful and calculated to prevent VSI from learning the location of any assets and ascertaining either Defendants' ability to pay the Sanctions Award in this matter. ECF No. 488.



WHEREFORE, VSI prays that the Court (a) treat these failures to obey the Court Order of February 8, 2012 as contempt of Court, (b) award to VSI the attorney fees and costs associated with Defendants Mark Pappas and Creative Pipe, Inc.'s failure to comply with the Court Order of February 8, 2012, (c) enter such other orders that may be necessary to compel compliance with the Court Order of February 8, 2012, including incarceration with any appropriate purge provisions, and (d) preclude, pursuant to Fed. R. Civ. P. 37(b)(2)(A)(ii), either defendant from asserting a claim that it lacks the ability to pay the Sanctions Award in this matter.

Dated: August 6, 2012

Respectfully Submitted,

By: Randell C. Ogg /s/  
Randell C. Ogg (Bar No. 22623)  
1150 Connecticut Avenue, N.W.  
Ninth Floor  
Washington, D.C. 20036  
Telephone: (202) 828-4100  
Fax: (202) 828-4130

and

Robert B. Wolinsky (Bar No. 26839)  
HOGAN LOVELLS US LLP  
555 Thirteenth Street, N.W.  
Washington, D.C. 20004  
Telephone: (202) 637-5600  
Fax: (202) 637-5910

*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing was served in accordance with the ECF procedures of this Court.

Randell C. Ogg /s/  
Randell C. Ogg